

REMARKS

Amendment Objection - 35 U.S.C. § 132

The Examiner objected to the amendment filed December 12, 2007 under 35 U.S.C. 132(a) because it allegedly introduces new matter into the disclosure.

Claims 8 and 13-18 are hereby cancelled. Thus, the objection has become moot.

Objection to Specification

The title of the invention was objected to because it allegedly was not descriptive.

The title has been amended to “Method of Beautification and Facelifting Using a Stretch Tape,” as the Examiner suggests. Thus, the objection has been overcome.

Rejections under 35 USC §112, First Paragraph

Claims 8 and 13-18 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement.

Claims 8 and 13-18 have been cancelled. Thus, the rejection has become moot.

Rejections under 35 USC §103(a)

Claims 11 and 13-15 were rejected under 35 USC §103(a) as being obvious over Wrinkies & Frownies (<http://web.archive.org/web/20001004172509/www.frownies.com/product.html>, 10/04/2000) in view of Tupper (U.S. Patent No. 3,804,083).

Claim 11, as amended, recites “sticking a stretch tape on a face portion **to stretch wrinkles** of the skin **from outside of the wrinkles**” and “wherein said stretch tape comprises a stretchable base material and a sticky adhesive material applied on said base material.” It should be noted that the stretch tape for beautification and facelifting is used for stretching the surface of the skin. It is not directly applied on the wrinkles but applied to stretch the wrinkled skin. Being stretched, the skin and the muscle under the skin are stimulated to recover the elasticity thereby reducing the wrinkles.

Wrinkies & Frownies describes as follows:

- Separate the Wrinkies & Frownies sections as you need them, moisten and apply. Using the thumb and middle finger of one hand, smooth the wrinkle; with the palm of the other hand, apply the Wrinkies & Frownies. Hold in place until they adhere.
- Use Wrinkies on the forehead and at the corners of the mouth and eyes. Use Frownies across the forehead and between the eyebrows. (See illustration below.)
- To remove, simply moisten liberally with water and peel off gently.

The description indicates that (1) Wrinkies & Frownies sections has to be moistened before attached to the skin; (2) Wrinkies & Frownies sections do not easily peel off unless they

are moistened; (3) Wrinkies & Frownies sections do not adhere unless it is held on the skin for some time. Also, nothing indicates that Wrinkies & Frownies sections have a stretchable base material.

Thus, Wrinkies & Frownies sections are not adhered on a face portion to stretch the wrinkles of the skin. Wrinkies & Frownies sections do not have a stretchable base material. Also, the material applied on the base material is not a sticky adhesive material.

Moreover, Wrinkies & Frownies sections are NOT applied to stretch the wrinkles from outside of the wrinkles. Wrinkies & Frownies sections are applied **on the wrinkled portion** while in claim 1, a stretch tape is applied on a face portion to stretch wrinkles of the skin.

Tupper describes at the cited portion as follows:

It is also known to apply to the facial region a system of taping with self-adhesive tape and astringents and other cosmetic treatments so that such wrinkles are pulled flat and alleviated at least temporarily.

(Tupper, column 1, lines 11-14). Although Tupper mentions “self-adhesive tape,” nothing indicates that the tape has a stretchable base material.

Wrinkies & Frownies and Tupper do not teach or suggest “sticking a stretch tape on a face portion to stretch wrinkles of the skin” and “wherein said stretch tape comprises a stretchable base material and a sticky adhesive material applied on said base material,” as recited in claim 11.

According to the present invention, the skin and the muscle under the skin are stimulated so as to improve sagging or wrinkles.

For at least these reasons, claim 11 patentably distinguishes over Wrinkies & Frownies and Tupper.

Claims 8, 9, 12 and 16-18 were rejected under 35 USC §103(a) as being obvious over Wrinkies & Frownies (<http://web.archive.org/web/20001004172509/www.frownies.com/product.html>, 10/04/2000) in view of Tupper (U.S. Patent No. 3,804,083) as applied to claim 11 above, and further in view of Kase (JP 2001104366A) and Krantz (U.S. Patent No. 5,336,219).

Claim 8 has been cancelled to make the rejection of the claim moot.

Kase is cited allegedly disclosing a stretch tape comprising a stretch fabric 2 having an acrylic adhesive layer 3 for adhering to the face of a user and also allegedly disclosing that the stretch tape comprises various shapes, including a U-shape or V-shape (Fig. 7) having a stride angle between 0 and 120 degrees.

Regarding the use of the adhesive sheet, Kase describes as follows:

[0014] If a part with the wrinkle of a face is made to extend and stick a pressure sensitive adhesive sheet, since an epithelium can draw near and it will be raised on dermis, circulation of lymph is activated, moisture and a nutrient are fully supplied to the epithelium of a wrinkle part at a moisture list, and the improvement of a wrinkle can be performed.

The above paragraph can be more accurately translated as follows:

[0014] When an adhesive sheet is stuck on a wrinkled part of a face extending the adhesive sheet, because an epithelium is gathered up to be raised on dermis, circulation of lymph is activated, thereby moisture and a nutrient are sufficiently supplied to the epithelium of a wrinkle part, and the improvement of a wrinkled part can be performed.

(Kase, paragraph [0014]). Thus, according to Kase, the sheet is extended when it is applied, and the epithelium is gathered up.

In contrast, according to the present invention, the adhesive tape is applied on a face portion to stretch the wrinkles of the skin.

Krantz is cited allegedly disclosing a stretch tape constructed of a base material comprising nonwoven fabric material laminated with a polyurethane material on which acrylic adhesive is applied to stick the tape to the skin of a user. However, what Krantz disclose is a skin closure for closing a surgical incision or wound and Krantz discuss nothing about a method of beautification and facelifting.

Therefore, the combination of Wrinkies & Frownies, Tupper, Kase and Krantz do not teach or suggest, among other things, “sticking a stretch tape on a face portion to stretch wrinkles of the skin.”

For at least these reasons, claim 11 patentably distinguishes over Wrinkies & Frownies, Tupper, Kase and Krantz. Claim 12, directly or indirectly depending from claim 11, also patentably distinguishes over Wrinkies & Frownies, Tupper, Kase and Krantz.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

Application No.: 10/541,939
Art Unit: 3764

Response under 37 CFR §1.116
Attorney Docket No.: 052740

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Sadao Kinashi", written in a cursive style.

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